IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.09.2006

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THE HON'BLE MR. JUSTICE P. JYOTHIMANI

W.P.No.35404/2006

T.Chidambaram .. Petitioner

vs

1.The Chennai Metorpolitan Development
Authority rep. by the Chief Executive
Officer/Senior Estate Officer,
Thalamuthu Natarajan Buildings,
No.1,Gandhi Irwin Road, Egmore, Chennai 600 008.

2.The Sub-Registrar,
Registration Department,
Chengulpattu .. Respondents

Petition filed under Article 226 of the Constitution of India, praying this Court for the issue of a Writ of mandamus directing the 1st respondent to execute the sale deed on the stamp duty paid on the actual consideration received by them and consequently direct the 2nd respondent to receive the same for registration without insisting stamp duty on the guideline value in respect of Block No.6, Plot Old 11/New No.9, MIG-II, Ninnaarai, Maraimalai Nagar 603 209 the petitioner.

For Petitioner ... Mr.P.Saravanan

For Respondents ... Mr.D.Srinivasan, GA

ORDER

The writ petition is filed for a direction against the 1st respondent to execute the sale deed on the stamp duty paid on the actual consideration received by them and consequently direct the 2nd respondent to receive the same for registration without insisting stamp duty on the guideline value in respect of Block No.6, Plot Old 11/New No.9, MIG-II, Ninnaarai, Maraimalai Nagar 603 209.

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2.The case of the petitioner is that the petitioner was allotted the above said plot by the first respondent and after payment of all the instalments, the petitioner was legally entitled to have the sale deed executed in his favour by the 1st respondent to be registered by the 2nd respondent. However, the 2nd respondent is not accepting to register the documents on condition that it is only on the payment of guideline value, the registration will be effected.

3.This matter is already covered by the decision of the Division Bench of this Court in W.A.No.202/2003 by order dated 20.01.2004, where it has been held that relying upon the earlier judgments reported in 1997 (2) CTC 617 (S.P.PADMAVATHI Vs. STATE OF TAMILNADU) and also in 2002 (2) CTC 329 (SUKUMARAN Vs.STATE OF TAMILNADU) on the basis that since the plot is allotted by the Governmental Agency, there is no question of concealment of any consideration and it is only on the basis of the explanation under section 47-A of the Indian Stamp Act that is now being contended that the valuation should be based on the market value on the date when the instrument is presented for registration. That view has been set aside by the order of the Division Bench of this Court in Padmavathy's case which has become final.

4.I have heard the learned counsel for the petitioner as well learned Government Advocate taking notice on behalf of the respondents.

5.In the present case, admittedly, the allotment of plot is made by the first respondent which is a Governmental Agency and in such circumstances, there is absolutely no question of concealment of consideration by the petitioner. In view of the same, there is absolutely no justification on the part of the 2nd respondent in refusing to register the document on the ground that the stamp duty should be paid on the guideline value of the property.

6.In view of the established legal position as settled by the Division Bench of this Court, the writ petition stands allowed as prayed for. No costs.

ap

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Chief Executive
Officer/Senior Estate Officer,
Chennai Metorpolitan Development Authority,
Thalamuthu Natarajan Buildings,
No.1,Gandhi Irwin Road, Egmore, Chennai 600 008.

2.The Sub-Registrar,
Registration Department,
Chengalpattu.

+ 1 cc to Mr. P. Saravanan, Advocate SR No. 45000

+ 1 cc to The Government Pleader SR No. 45204

TJL(CO)
SR/27.9.2006

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